

# **Compensation of damage to property and intangible damage resulting from a work injury or occupational disease**

## **Abstract**

The thesis discusses compensation of damage to property and of intangible damage that has resulted from a work injury or an occupational disease. This is an important legal institute regulated primarily by Act No. 262/2006 Coll., the Labour Code, as amended, further referred to as the “Labour Code, however also by a range of other laws further elaborating the matter. When discussing the matter, it is impossible not to also discuss the regulation of Act No. 89/2012 Coll., the Civil Code, as amended, further referred to as the “Civil Code”, since the Civil Code applies in the cases that are not expressly addressed in the Labour Code and since it is valuable to compare the rights of the damaged person under the general civil law and the labour law.

The analysis of the laws is supplemented by selected case law, namely produced by the Supreme Court and the Supreme Administrative Court of the Czech Republic, in particular such case law that provides answers to certain questions of interpretation.

The thesis not only discusses the obligations of the employer in the event the employee injures himself during work or contracts a disease during work and the related rights of the employee but also explains the essential terms concerning the employment of people based on labour-law contracts. Obligations of the employer in respect of occupational safety and health are also discussed, in particular concerning prevention of damage and personal data protection, to the extent related to work injuries and occupational diseases.

The thesis describes the conditions on which the employer may be exempt (in part or in full) from its obligation to compensate damage resulting from a work injury or an occupational disease. In this relation, the issue of the different use of various terms related to alcohol consumption, drunkenness, the impact of alcohol etc. across different statutes is also discussed.

The main part of the thesis deals with the individual forms of compensation that the employee can ask in relation to a work injury and an occupational disease. Given that the primary compensation is the compensation of loss of income during and after the duration of work disability, i.e., compensation in the amount that is based on average or potential income of the employee, the procedure of determination of such income is also described.

Injuries under specific circumstances are also analysed, such as during a so-called de facto employment, at a place different from the employer’s workplace or during a business trip.

The thesis also summarises the past regulation of insurance in case of liability for damage caused by a work injury or an occupational disease; in this relation, the cancelled Act No. 266/2006 Coll., on Injury Insurance, as amended, is also discussed.

The final part of the thesis provides ideas for changes in the legislation based on the findings identified by the author of the thesis.

The thesis is supplemented by 5 appendices related to personal data administration (appendices 1 and 2), an overview of adjustments of average income for the calculation of compensation during and after the duration of work disability (appendix 3), calculation of sustenance compensation for a widow (appendix 4) and individual segments of business trip (appendix 5).